

May 9, 1955
Opinion No. 55-103

REQUESTED BY: Richard T. Maus, Chairman
Arizona State Aviation Authority
2717 East Airline Way
Phoenix, Arizona

OPINION BY: ROBERT MORRISON, The Attorney General
W. T. Willey, Special Assistant
Attorney General

QUESTION: May the Arizona State Aviation Authority employ a part-time director of aviation for the State of Arizona?

CONCLUSION: Yes.

The statute setting up the Arizona Aviation Authority sets forth the duties and powers of the Commission. They are very general, including that of cooperating with other agencies and assembling and distributing aviation information to the general public. Section 48-147, ACA, 1939, as amended. It has been stated that, in determining whether a board has a certain power, the authority given shall be liberally construed in light of the purposes for which it was created, and that which is incidentally necessary to a full exposition of the legislative intent should be upheld as being germane to the law. When questioning a grant of powers, it is a general principle of law that where the end is required the appropriate means are given. Implication of necessary powers may be especially appropriate in the field of internal administration. 42 Am. Jur. 317.

Chapter 139, Sub-division 69, Twenty-second Legislature, First Regular Session, provides for a lump sum appropriation (including employer's contribution for old age and survivors' insurance and state retirement) to the State Aviation Authority, in the amount of \$5,306.00. The court held, in the case of State Board of Health vs. Frohmiller, 42 Ariz. 231, as follows:

"The Legislature may, in an appropriation bill, provide for a lump sum . . . thereby confiding to heads of respective offices, institutions or departments the duty and obligation of maintaining respective offices with funds assigned them in proportions indicated, rather than itself fixing the number of employees and their salaries or segregating operations into different items."

Richard T. Maus, Chairman
Arizona State Aviation Authority

May 9, 1955
Page Two

It seems clear that the Authority is empowered to employ a director. However, the director would be only another employee of the Aviation Authority and, as such, would not be empowered to represent them in an executive capacity.

It is, therefore, the opinion of this office that the State Aviation Authority may employ a director and other employees, provided the salaries and other expenses of the Authority do not exceed the amount of their appropriation.

ROBERT MORRISON
The Attorney General

W. T. Willey
W. T. WILLEY
Special Assistant
Attorney General

llm

55-103